

Sul Ross State Teachers College.  
Alpine, Texas.

To pay for seats, books, racks, plates and hat wires for Auditorium .....	\$ 5,757.75
To pay for floor for basement Library Building (concrete) .....	1,750.00
Total .....	\$ 7,507.75

West Texas State Teachers College.  
Canyon, Texas.

To pay for fuel .....	\$ 3,000.00
To pay Janitor .....	1,500.00
Total .....	\$ 4,500.00
Grand Total .....	\$329,541.40

Provided that the above and foregoing amounts appropriated herein for the State Board of Control shall be paid out of any of the unused balances remaining in appropriations made for paving by the Forty-First Legislature, Third Called Session, Chapter 16, Pages 408, 409 and 410, General Laws, Third Called Session, Forty-First Legislature.

Provided, further that the several amounts hereinabove appropriated can only be expended for the specific purposes herein stated, and that the amounts, or any part thereof, of the several items included above shall not be expended for any other purposes except those herein respectively provided.

Ses. 2. The fact that the appropriations for the above items are exhausted, or will become exhausted before the expiration of the time for which the same was appropriated, creates an emergency and an imperative public necessity which justifies the suspension of the Constitutional Rule requiring bills to be read upon three several days in each House, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

### THIRTY-FIFTH DAY.

Senate Chamber,  
Austin, Texas,  
March 4, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem Carl Hardin.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

### Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Williamson.

### Petitions and Memorials.

(See appendix.)

### Committee Reports.

(See appendix.)

### Bills and Resolutions.

By an affirmative vote of four-fifths of the membership of the Senate, the Constitutional Rule relating to the introduction of Bills during the last 90 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Patton.

S. B. No. 504, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforce-

able because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory Board of Equalization, or where the City Council, City Commission or other governing body of such incorporated city or town have acted as a Board of Equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; making this Act applicable only to counties having a population not exceeding 30,000; and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Parrish.

S. B. No. 505, A bill to be entitled "An Act to amend Chapter 234, Local and Special Laws passed by the 39th Legislature at its Regular Session, in 1925, same being a Special Road Law for Stonewall county, by adding thereto Section 1a, authorizing the Commissioners' Court of Stonewall County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the Commissioners' Court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

Read first time and referred to the Committee on Highways and Motor Traffic.

By Senator Cousins.

S. B. No. 506, A bill to be entitled "An Act providing that constables in precincts of a certain population, in counties of a certain population, shall not be entitled to have deputies, and providing for additional deputy sheriffs in said counties; prescribing the number and compensation of said deputies, and for their appointment, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

**House Bill No. 140.**

The Chair laid before the Senate

on its second reading the following bill:

By Mr. Burns of Walker:

H. B. No. 140, A bill to be entitled "An Act providing for the trial of insane convicts who are inmates of the Texas prison system; providing for the filing of affidavits of insanity; fixing the venue of such trials, and providing for all the payment of all expenses incident thereto, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 140 was put on its third reading and final passage, by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
<b>Neal.</b>	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
<b>Cousins.</b>	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**Free Conference Report.**

Senator Patton sent up the following Free Conference Committee report:

Austin, Texas, March 2, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Hon. Edgar E. Witt, President of the Senate.

Sirs: We, your Conference Committee, to whom was referred H. B. No. 111, for the purpose of adjusting the differences between the House and the Senate, have had the same under consideration and beg to advise that, we adjusted said differences and recommended that H. B. No. 111, as amended, do not pass, but that the following substitute Bill do pass in lieu thereof:

#### A BILL

#### To Be Entitled

An Act amending Chapter 21 of the Acts of the Second Called Session of the Forty-first Legislature providing for an open season or period of time when it shall be lawful to take or kill squirrel in certain counties; providing penalties for the violation thereof; repealing all laws and parts of laws in conflict therewith and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 21 of the Acts of the Second Called Session of the Forty-first Legislature be amended so as to hereafter read as follows:

It shall be unlawful for any person to hunt, take or kill squirrel, except during the months of May, June, July, October, November and December of any year in the following named counties: Colorado, San Patricio, Titus, Morris, Smith, Walker, San Jacinto, Waller, Fort Bend, Rusk, Matagorda, Brazoria, Bowie, Cherokee and Austin.

Sec. 2. Any person who shall hunt, take or kill any squirrel in violation of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars.

Sec. 3. All laws and parts of laws and all Special Acts of the Legislature in conflict herewith are expressly repealed.

Sec. 4. The fact that there is no adequate law regulating the killing or taking of squirrels in the counties named in this Act; and the fact that the present laws are confusing, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be

read on three several days be suspended and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

BURNS,  
ADKINS,  
JONES,  
ADAMS.

On the part of the House.

PATTON,  
BECK,  
THOMASON,  
COUSINS,

On the part of the Senate.

Read and, on motion of Senator Russek, laid on the table subject to call.

#### Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, March 4, 1931,

To the Members of the Texas Senate.

Subject to your confirmation I have appointed the following named persons to the respective offices, namely:

#### State Board of Accountancy.

W. P. Prince of Dallas, re-appointed for the next ensuing statutory term.

Frank G. Rodgers of San Antonio, re-appointed for the next ensuing statutory term.

Frank L. Wilcox, of Waco, re-appointed for the next ensuing term.

C. M. Crider of El Paso, reappointed for the next ensuing statutory term.

J. A. Phillips of Houston, appointed for the next ensuing statutory term.

#### State Board of Medical Examiners.

The following named are re-appointed for the next ensuing statutory term, viz:

Dr. H. W. Cummings of Hearne.

Dr. N. D. Buie of Marlin.

Dr. T. J. Crowe of Dallas.

Dr. M. E. Daniels of Honey Grove.

Dr. H. H. Blankmeyer of Aransas Pass.

Dr. J. M. Witt, of Waco.

Dr. H. C. Morrow of Austin.

The following named are appoint-

ed for the next ensuing statutory term, viz:

Dr. I. A. Withers of Ft. Worth.  
Dr. Marvin Bailey of Houston.  
Dr. H. F. Connally of Waco.  
Dr. Roy Russell of Ft. Worth.

Texas State Board of Examiners in Optometry.

The following are re-appointed for the next ensuing statutory term:  
G. H. Aronfeld of Galveston.  
R. A. Terrell of Dallas.

State Highway Commission.

D. K. Martin of San Antonio, re-appointed for the next ensuing statutory term.

Texas Historical Board .

L. W. Kemp of Houston, appointed to succeed Dr. E. C. Barker of Austin, resigned.

Commissioner of Labor Statistics.

R. B. Gragg of Nueces County, appointed for the next ensuing statutory term.

Respectfully ,  
R. S. STERLING.  
Governor of Texas.

Read and referred to the Committee on Governor's nominations.

#### House Bill No. 94.

The Chair laid before the Senate on its second reading the following bill:

By Mr. DeWolfe:

H. B. No. 94, A bill to be entitled "An Act to fix the salary of the county superintendent of public instruction and the county board of school trustees in each county in Texas having a population of not less than 18,425 nor not more than 18,435, according to the Federal census of 1930; providing for office expenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Committee report was adopted.

Senator Purl moved to re-commit the bill to the Committee on Education for further consideration.

The motion prevailed.

Senator Poage moved to reconsider the vote to re-commit the bill.

Senator Purl moved to table the motion to reconsider.

The motion was lost.

The motion to reconsider prevailed.

The motion to re-commit the bill was lost by the following vote:

Yeas—11

Beck.	Purl.
Berkeley.	Rawlings.
Cousins.	Small.
Hopkins.	Williamson.
Moore.	Woodward.
Patton.	

Nays—14 .

Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Thomason.
Oneal.	Woodul.

Present—Not Voting.

Hardin.	Martin.
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Absent.

Loy.	Woodruff.
Neal.	

Absent—Excused.

Stevenson.

Senator Holbrook moved to reconsider the vote by which the Senate refused to recommit the bill.

The motion prevailed.

The bill was recommitted to the Committee on Education.

Bill Signed.

The Chair, President Pro Tem Hardin, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 399.

#### House Bill No. 178.

The Chair laid before the Senate on its second reading the following bill:

By Mrs. Strong:

H. B. No. 178, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salary of said supervisor and how it shall be

paid; providing other things incidental to said purpose, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Greer the Constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 178 was put on its thirds reading final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### House Bill No. 206.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Lilley:

H. B. No. 206, A bill to be entitled "An Act to provide a more efficient road system for Montgomery county, by amending Section 12 and by re-enacting Sections 13 and 13a of

Chapter 57, Local and Special Laws, passed at the Regular Session of the Forty-first Legislature, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Patton, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 206, was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### House Bill No. 372.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Fuchs:

H. B. No. 372, A bill to be entitled "An Act to repeal Chapter 118, General and Special Laws, Fortieth Legislature, being Washington county

road law, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Gainer, the Constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 372, was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives.  
Austin, Texas, March 4, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has passed the following resolution:

H. C. R. No. 32, Authorizing the State Board of Control to permit the Committee of the Robison Memorial Association to place a bust, etc.

That the House has passed the following bills:

H. B. No. 42, A bill to be entitled "An Act to amend Article 2203 of Chapter 8 of Title 42 of the Revised Civil Statutes of Texas, 1925, relating to the verdict of juries in civil cases, so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court and five jurors concurring may render a verdict in the county court, county courts at law and courts of justices of the peace, and repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 615, A bill to be entitled "An Act to empower cities having a population of not less than 27,000 nor more than 28,000 inhabitants, as shown by the last Federal census and operating under a special charter originally granted by the Legislature of the State of Texas and which shall own and operate their light systems or water systems or sewer systems or gas systems or either one or more of said systems to encumber any one or more of said systems, the incomes thereof and everything pertaining thereto or any part thereof, and by the terms of such incumbrance to grant to the purchaser under any sale or foreclosure under such incumbrance a franchise to operate said encumbered system or systems for not over twenty years after such purchase, etc., and declaring an emergency."

H. B. No. 703, A bill to be entitled "An Act authorizing school trustees to issue interest-bearing warrants in payment of salaries of employes for the year 1930-1931; specifying the rate of interest at eight per cent; limiting the amount of warrants to be issued; giving such warrants preference over warrants issued for purposes other than payment of salaries, and declaring an emergency."

H. B. No. 683, A bill to be entitled "An Act to provide that the State Highway Commission shall be authorized to require that all contracts for the construction, maintenance and improvement of any designated State highway shall contain a provision

that no person will be employed by the contractor to perform manual labor in the course of such work at a wage of less than thirty cents per hour; fixing penalties; and providing for the enforcement of such contract, and declaring an emergency."

That the House has adopted the Free Conference Committee Report on H. B. No. 111 by a vote of 121 yeas and 2 nays.

I am directed by the House to inform the Senate that in compliance with the provisions of Senate Concurrent Resolution No. 11, Relative to urging economy in State affairs, the following members have been appointed on the part of the House:

GRAVES,  
HUBBARD,  
AKIN,  
WAGSTAFF.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

#### House Bill No. 485.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Murphy:

H. B. No. 486, A bill to be entitled "An Act to repeal Chapter 76, Special Laws of the First Called Session of the Fortieth Legislature of 1927, entitled Polk County Road Law, creating a more efficient road system of Polk County, Texas, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and laid on the table, subject to call, on motion of Senator Patton.

#### House Bill No. 564.

The Chair laid before the Senate on its second reading the following bill:

By Mr. DeWolfe:

H. B. No. 564, A bill to be entitled "An Act creating and enlarging Mullin Independent School District in Mills County, Texas; defining its boundary lines, including the Mullin Independent School District, etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 564 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### Simple Resolution No. 67.

Senator Hornsby sent up the following resolution:

Whereas, Mr. Owen P. White, a writer of national reputation, is honoring Texas with his presence, is now in the Capitol; therefore, be it

Resolved, That he be accorded the privileges of the floor and invited to address the Senate of Texas.

HORNSBY.

MOORE.

Read and adopted.

**Mr. White Speaks.**

The Chair appointed Senators Hornsby and Moore to escort Mr. White to the platform.

The Chair, Lieutenant Governor Witt, introduced Senator Hornsby, who introduced Mr. White. Mr. White briefly addressed the Senate.

**House Bill No. 55.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Stevenson:

H. B. No. 55, A bill to be entitled "An Act providing for the jurisdiction of the county court of Schleicher County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district and justice courts of said county to such change; fixing the time of the county court; repealing all laws in conflict with this Act, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 55 was put on its third reading and final passage by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**House Bill No. 109.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Ray and Mr. Harman:

H. B. No. 109, A bill to be entitled "An Act making it unlawful to trap, snare, shoot at, catch or kill any wild fox in Bell County; providing a penalty, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hardin, the constitutional rule requiring bills to be read three several days was suspended and H. B. No. 109 was put on its third reading and final passage, by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

**Yeas—31.**

Beck.	Cousins.
Berkeley.	Cunningham.



DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.
Parrish.	

**House Bill No. 125.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Harrison of El Paso:

H. B. No. 125, A bill to be entitled "An Act amending Article 1811-141a, Chapter 191, General and Special Laws of the Regular Session of the Fortieth Legislature, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 125 was put on its third reading and final passage by the following vote:

**Yeas—31.**

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

**Yeas—29.**

Beck.	Cunningham.
Berkeley.	Gainer.
Cousins.	Greer.

Hardin.	Pollard.
Holbrook.	Purl.
Hopkins.	Rawlings.
Loy.	Russek.
Martin.	Small.
Moore.	Stevenson.
Neal.	Thomason.
Oneal.	Williamson.
Parr.	Woodruff.
Parrish.	Woodul.
Patton.	Woodward.
Poage.	

**Nays—1.**

Hornsby.

Present—Not Voting.

DeBerry.

**House Bill No. 466.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 466, A bill to be entitled "An Act to levy and collect annually a three dollar road tax against all able-bodied male citizens of Free-stone County, Texas, who are between the ages of twenty-one and forty-five years, except such as are by the general laws of this State exempt from road duty; providing the manner of assessment and collection of said tax and repealing all laws in conflict herewith, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Patton, the bill was laid on the table, subject to call.

**Free Conference Report Adopted.**

On motion of Senator Patton, the Free Conference report on H. B. No. 111 was adopted by the following vote:

**Yeas—31.**

Beck.	Hopkins.
Berkeley.	Hornsby.
Cousins.	Loy.
Cunningham.	Martin.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Oneal.
Hardin.	Parr.
Holbrook.	Parrish.

Patton.	Stevenson.
Poage.	Thomason.
Pollard.	Williamson.
Purl.	Woodruff.
Rawlings.	Woodul.
Russek.	Woodward.
Small.	

**House Bill No. 300.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 300, A bill to be entitled "An Act to amend Section 10 and Section 13 of Chapter 27 of the Acts of the Thirty-sixth Legislature, page 36, said chapter being an Act to amend an Act of the Thirty-fourth Legislature, creating the county court of Jefferson County at Law; amending Section 10 with reference to the clerk of said court, and providing for a deputy clerk for said court; providing for the manner and method of appointing such clerk, and the compensation to be paid such clerk, and providing for the appointment of an official shorthand reporter for such court, etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cousins, the constitutional rule requiring bill to be read on three several days was suspended and H. B. No. 300 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

**House Bill No. 466.**

Senator Greer called up from the table H. B. No. 466.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 466 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Martin.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Oneal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.

Small.  
Stevenson.  
Thomason.  
Williamson.

Woodruff.  
Woodul.  
Woodward.

#### House Bill No. 129.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Tarwater:

H. B. No. 129, A bill to be entitled "An Act to amend Article 7005, Chapter 7, Title 121, of the Revised Civil Statutes of 1925, as amended by Chapter 105 of the Acts of the Regular Session of the Fortieth Legislature, so as to add Parmer County to the counties exempted in said Article 7005, and declaring an emergency."

The Committee report was adopted.

The bill was read second time.

Senator Parrish sent up the following amendment:

Amend H. B. No. 129 so as to include the name "Garza" following the name "Galveston" in line ten of Article 7005 of Section 1, and making the caption to conform therewith.

PARRISH.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 120 was put on its third reading and final passage, by the following vote:

#### Yeas—31.

Beck.  
Berkeley.  
Cousins.  
Cunningham.  
DeBerry.  
Gainer.  
Greer.  
Hardin.  
Holbrook.  
Hopkins.  
Hornsby.  
Loy.  
Martin.  
Moore.  
Neal.  
Oneal.

Parr.  
Parrish.  
Patton.  
Poage.  
Pollard.  
Purl.  
Rawlings.  
Russek.  
Small.  
Stevenson.  
Thomason.  
Williamson.  
Woodruff.  
Woodul.  
Woodward.

Read third time and finally passed by the following vote:

#### Yeas—31.

Beck.  
Berkeley.  
Cunningham.  
Cousins.  
DeBerry.  
Gainer.  
Greer.  
Hardin.  
Holbrook.  
Hopkins.  
Hornsby.  
Loy.  
Martin.  
Moore.  
Neal.  
Oneal.

Parr.  
Parrish.  
Patton.  
Poage.  
Pollard.  
Purl.  
Rawlings.  
Russek.  
Small.  
Stevenson.  
Thomason.  
Williamson.  
Woodruff.  
Woodul.  
Woodward.

#### Senate Bill No. 85.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of General Bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill:

By Senator Berkeley:

S. B. No. 85, A bill to be entitled "An Act to amend Section, Chapter 18, Acts of the Fifth Called Session of the 41st Legislature and declaring an emergency."

Read second time.

#### Senate Bill No. 385 Re-committed.

On motion of Senator Poage, S. B. No. 385 was re-committed to the Committee on Counties and County Boundaries.

#### Senate Bill No. 197.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of General Bills during the first 60 days of the session was suspended and consent was granted to take up and consider the following bill:

By Senator Patton:

S. B. No. 197, A bill to be entitled "An Act giving to W. S. Hale and wife, Mary D. Hale, consent of the Legislature to sue the State of Texas and State Highway Commission for damages resulting from the construction of State Highway No. 43 through Leon County, Texas, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Patton the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 197 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### Executive Session Set.

On motion of Senator Pollard, the Senate voted to go into executive session tomorrow morning at 10:30 o'clock.

#### Special Order Set.

On motion of Senator Oneal, S. B. No. 311 was set as special order tomorrow morning immediately following the morning call.

#### Adjournment.

On motion of Senator Woodul, the Senate at 12:13 o'clock p. m., ad-

journed until 10 o'clock tomorrow morning.

## APPENDIX.

### Committee Reports.

Committee Room,

Austin, Texas, March 3, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 129, A bill to be entitled "An Act to amend Article 7005, Chapter 7, Title 121, of the Revised Civil Statutes of 1925, as amended by Chapter 105 of the Acts of the Regular Session of the 40th Legislature so as to add Parmer County to the counties exempted in said Article No. 7005; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARR, Chairman.

Committee Room,

Austin, Texas, March 3, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 490, A bill to be entitled "An Act providing for the election of a district attorney in the 18th Judicial District of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 3, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 409, a bill to be entitled "An Act fixing the compensation of district attorneys in each judicial district in this State containing five or more counties having a combined population according to the fifteenth census of the United States of the year 1930, of not less than 52,080, nor in excess of 52,090; providing

how the same shall be paid, providing for an assistant district attorney in each such district, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 3, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 226, A bill to be entitled "An Act amending Article 2020, Chapter 2, Title 42, Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 3, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 351, A bill to be entitled "An Act to amend Article 1072 of the Code of Criminal Procedure of Texas, 1925, so as to provide for fees to sheriffs and constables in criminal cases, in case of acquittal or dismissal; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

SMALL, Chairman.

Committee Room,  
Austin, Texas, March 3, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 444, A bill to be entitled "An Act to amend Article 949 of the Code of Criminal Procedure, Revision of 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

SMALL, Chairman.

Committee Room,  
Austin, Texas, March 3, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 153, A bill to be entitled "An Act amending Article 287 of the Penal Code of the State of Texas of 1925 as amended by Chapter 139 of the General Laws of the Regular Session of the Thirty-ninth Legislature so as to repeal that portion of the State Law prohibiting the operation of moving picture shows and theatres on Sunday in this State in any incorporated city or town after one P. M., empowering the City Council or Commissioners of such cities or towns by proper ordinance to prohibit or regulate the keeping open or showing of such moving picture shows or theatres on Sunday; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,  
Austin, Texas, March 3, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 220, A bill to be entitled "An Act creating the office of Criminal District Attorney in those counties which constitute at least one and not more than two separate Judicial Districts within themselves in which there is not now a District Attorney; providing that the present County Attorney in those counties, who performs the duties of County and District Attorney, remain in office and take the oath and give the bond required of District Attorneys by the Constitution and Laws of Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed, in lieu of advance printing.

SMALL, Chairman.

Committee Room,  
Austin, Texas, March 3, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Crim-

inal Jurisprudence, to whom was referred

S. B. No. 99, A bill to be entitled "An Act prescribing the venue and jurisdiction of offenses committed by convicts who are serving sentences under which they have been committed to the State Penitentiary; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman

Committee Room,  
Austin, Texas, March 3, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 191, A bill to be entitled "An Act to amend Article 5139 of Title 82 of the Revised Civil Statutes of Texas of 1925, relating to juvenile boards in certain counties and salaries of District and Criminal District Judges in such counties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,  
Austin, Texas, March 3, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 472, A bill to be entitled "An Act to amend Article 419 of the Code of Criminal Procedure; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,  
Austin, Texas, March 3, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Education Affairs, to whom was referred

S. B. No. 430, A bill to be entitled "An Act to validate the organization and creation of all School Districts, including Common School Districts, Independent School Districts, Consolidated Common School Districts, Consolidated Independent School Dis-

tricts, County Line School Districts, and Rural High School Districts, whether created by General or Special Law or County Boards of Trustees, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Berkeley.

S. B. No. 430.

#### A BILL To Be Entitled

An Act to validate the organization and creation of all School Districts, including Common School Districts, Independent School Districts, Consolidated Common School Districts, Consolidated Independent School Districts, County Line School Districts, Consolidated County Line School Districts, and Rural High School Districts, whether created by General or Special Law, or County Boards of Trustees, validating the acts of said County Boards of Trustees and Boards of such Districts; validating all proceedings and acts of said Boards of Trustees, heretofore taken by such Boards of Trustees; validating all bonds authorized and sold and now outstanding of said Districts; validating all tax levies made in behalf of said Districts; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All School Districts, including Common School Districts, Independent School Districts, Consolidated Common School Districts, Consolidated Independent School Districts, County Line School Districts, Consolidated County Line School Districts, and Rural High School Districts, whether created by General or Special Law in this State, and heretofore laid out and established or attempted to be established by the proper officers of any County or by the Legislature of the State of Texas and heretofore recognized by either State or County Authorities as School Districts, are hereby validated in all respects as though they had been duly and legally established in the first instance; all acts of the Board or Boards of Trustees in such

districts ordering an election or elections, declaring the result of such elections, and levying taxes therefor, and all bonds issued and now outstanding, are hereby in all things validated. The fact that by inadvertence or oversight any act of the officers of any county in the creation of any District was omitted shall in no wise invalidate such District and the fact that by inadvertence or oversight any act was omitted by any Board of Trustees of any such District in ordering an election or elections, or in declaring the result thereof, or in levying the taxes for such District, or in the issuance of the bonds of any such District shall in no wise invalidate any of such proceedings or any bonds so issued by such District. All acts of the County Boards of Trustees of any and all counties in rearranging, changing or subdividing such school districts or increasing or decreasing the area thereof, in any School District of any kind, or in creating new districts out of parts of existing districts or otherwise, are hereby in all things validated. This law shall not apply to any District, the organization or creation of which is now involved in litigation.

Sec. 2. The fact that the legal existence of various School Districts may be questioned creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and that this Act take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

### THIRTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas,  
March 5, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem Carl Hardin.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Poage.
Hardin.	Pollard.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.
Parrish.	Woodward.
Patton.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

### Petitions and Memorials.

(See Appendix.)

### Committee Reports.

(See Appendix.)

### Bills and Resolutions.

By an affirmative vote of four-fifths of the membership of the Senate, the Constitutional Rule relating to the introduction of bills during the last 90 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Woodul.

S. B. No. 507, A bill to be entitled "An Act to amend Section 1, Chapter 10, Acts of the 4th Called Session of the 41st Legislature; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Cunningham:

S. B. No. 508, A bill to be entitled "An Act amending section 5 of Article 2774a, providing for the time of election of school trustees, exempting cities and towns of over 20,000 inhabitants operating under special charters which provide for school trustee election at same time of the General Election of City Officials, etc."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Beck:

S. B. No. 509, A bill to be entitled "An Act to amend Section 12, Chapter 67, Acts of the Fifth Called Ses-